

Excerpts
Planning Commission Minutes
May 11, 2005

Application No. UP-668-05, Specialty Motorsports & Collectibles: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7(b)) of the York County Zoning Ordinance, to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Ft. Eustis Boulevard (Route 105). The property, further identified as Assessor's Parcel No. 24-68-1, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented the staff report which concluded that whatever benefit may be derived from the anticipated low trip generation of the proposed use car dealership would be outweighed by its lack of consistency with the Comprehensive Plan and location along the gateway to the historic area, among other considerations. The staff recommended denial.

Mr. Staton asked if the applicant had agreed to close the entrance off Route 17; **Mr. Anderson** replied that the applicant had not exactly agreed to the closing.

Mr. Simasek asked if the property could be re-used as a gasoline station without another Special Use Permit. **Mr. Anderson** said a new use permit would be required for that type of use because the former station has been closed more than 24 months and has lost its nonconforming status.

Chair Simasek opened the public hearing.

Mr. Patrick Lab, 29 Emmaus Road, Poquoson, spoke as the co-applicant. **Mr. Lab** explained that he has developed an excellent reputation within his business, but understands that some auto-related businesses have acquired a less than honorable reputation because of their occasional unsavory business practices. **Mr. Lab** said the success of his business has resulted in a need to expand from its present location, at 6207 George Washington Memorial Highway, to a larger facility with more visibility and easier access. He would like to stay in the County, and thinks the County would want its successful businesses to be able to expand and improve within the County.

Mr. Lab said he respects historic places and would improve and landscape the proposed site to be "the best looking business on that corner." He would exceed whatever landscaping the County required, he added, and would use whatever materials the County required for the façade and canopy. His intention is to make the site beautiful.

Mr. Lab noted the importance of access to the proposed site; he would prefer closer access than the entrance off Fort Eustis Boulevard. He would have no problem closing the entrance from Route 17, in the future, as long as the customers had good access, and he offered to work with the County on plans to build a driveway.

Mr. Davis told the applicant that the Commission must consider the location - the entranceway to one of the most historic places in the country. The County has made a significant investment in its beautification, he said, and a car lot did not seem appropriate for the location. That was in no way a reflection on Mr.

Lab's business practices nor his professional reputation, he pointed out, but in deference to the Commission's purpose, which is to consider appropriateness of land use.

Mr. Lab noted that the County last year amended the County Code to require Special Use Permits for auto-related businesses, which indicated to him the County thinks they are unsavory.

Mr. Simasek said the major reasons to require a Special Use Permit are to afford County review of a proposal and determine compatibility with the Zoning Ordinance and Comprehensive Plan.

Mr. Lab said the County adopted a vision for a "village center" several years ago, but no developers have come along to accomplish that vision. Perhaps they believe it would be fiscally unsound to do so, he added.

Mr. Barton DeShayes, 111 Jara Lane, acknowledged the property is at the beginning of the historic district, but noted Wendy's, Citgo, McDonald's and a shopping center are on surrounding corners, none of which evoke historic visions for him. He agreed the area should look as good as possible but did not agree that an automobile lot on the corner would necessarily detract from the overall aesthetics. **Mr. DeShayes**, a retired Coast Guard Commander, said he and several of his colleagues have purchased cars with the assistance of Mr. Lab. He said Mr. Lab is honest and will deliver on his word. **Mr. DeShayes** was convinced that if Mr. Lab says he will make the property look good, it will look good.

Ms. Sharon Van Luyn-Prater, 101 Cobia Drive, is employed by Old Point National Bank where Mr. Lab has been a customer in good standing for several years. She has dealt with Mr. Lab professionally and has directed several customers to him, whom he handled in a very professional way. "He is far better than many used car dealers" that she deals with, she said. **Ms. Luyn-Prater** believed the proposed location was perfect for Mr. Lab's business and is well positioned for growth given its proximity to Fort Eustis and its overall visibility.

Ray Suttle, Jr., Esq., Jones Blechman Woltz and Kelly, PC, represented an adjacent property owner, Triple Feature Associates. He asked the Commission to consider whether the proposed use is appropriate for the particular parcel and the type of businesses it envisions for the entry to the Yorktown historic area. He believed it was not appropriate, would have a negative impact on the surrounding properties, and was therefore an inappropriate use. He requested a recommendation of denial.

Mr. Ptasznik asked Mr. Suttle if his client has plans for the property, to which **Mr. Suttle** responded his client has no firm plans for the property, and although his client has been approached with some proposals, they are not consistent with a car dealership.

The Chair closed the public hearing.

Mr. Barba acknowledged his membership on the Route 17 Revitalization Committee, whose chair is "in the car business." The purpose of the Committee was to promote economic growth and improve the appearance of Route 17. While it is not as apparent now as it will be in the future, there is activity going on to improve Route 17. He believed it would be a mistake to disregard the County's development criteria for the property by having the building occupied prematurely.

Ms. Conner agreed with the other Commissioners' comments. It is the Commission's responsibility to determine the highest and best use of properties, she said, not whether the applicant would be a responsible operator. There are a number of automobile-related businesses on Route 17 that have, for the past few years, focused on improving their appearance. Future development along that highly visible corridor and on that particular corner should be for the highest and best use of the property.

Mr. Hamilton concurred with the other Commissioners and did not believe a used car dealership fit the vision for a gateway to the historic district. He thought used car dealerships were a fine business, but were inappropriate for a "gateway location."

Mr. Simasek agreed with many of Mr. Lab's arguments, acknowledging that businesses presently surrounding the proposed corner are no less desirable than a car dealership. He acknowledged there is a 7-Eleven closer to Yorktown than the proposed site. He said the County does not have many visible corners left. He pointed out that both Fort Eustis Boulevard and George Washington Memorial Highway (Route 17) are main arteries to the historic district. He is considering the best use of the land and the fact that there are other locations available for Mr. Lab's business. He added that he would like for Mr. Lab's business to remain in York County. **Mr. Simasek** recommended that Mr. Lab contact the Office of Economic Development about seeking other viable sites for his business.

Mr. Ptasznik moved proposed Resolution No. PC05-24. It was defeated unanimously.

Resolution No. PC05-24

On motion of Mr. Ptasznik, the following resolution was denied:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A USED CAR SALES LOT WITHOUT AUTO BODY REPAIR AND PAINTING LOCATED AT 8017 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17).

WHEREAS, Specialty Motorsports and Collectibles, has submitted Application No. UP-668-05, which requests a Special Use Permit, pursuant to Section 24.1-306 [Category 12, No. 5(a)] of the York County Zoning Ordinance, to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of May, 2005 that Application No. UP-668-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a used car sales lot without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any activities on the site. Said site plan shall be in substantial conformance with the plan titled "Specialty Motorsports & Collectibles Site Plan" prepared by Mickiewicz Robertson & Associates, Ltd. and dated April 18, 1986. The plan must delineate the car display area on the site plan with the required parking spaces, pursuant to Section 24.1-606 of the Zoning Ordinance.
3. The used car sales lot shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses* of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the use, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. The existing entrance located along George Washington Memorial Highway (Route 17) shall be closed and curbing placed along the inferior side of the former entrance so as prevent the movement of traffic from the parcel onto George Washington Memorial Highway (Route 17). The existing driveway apron shall be removed and the area between the roadway shoulder and the on-site curbing shall be landscaped.
6. A Natural Resources Inventory shall be submitted with the site plan. Development of the property shall comply with all applicable requirements of Section 24.1-372, *EMA-Environmental management area overlay district*, and Section 24.1-376, *WMP-Watershed management and protection area overlay district*.
7. The existing building shall be renovated to comply with the terms of the proposed Route 17 Tourist Corridor Management Overlay District, as contained in the draft recommended to the Board of Supervisors by the Planning Commission, or as superseded by the final version, if adopted by the Board of Supervisors. Specifically, the building façade shall be brick veneer façade and the canopy shall be reconstructed to appear to be a mansard style roof designed using materials compatible with the adjacent Patriot's Square shopping center.

8. The site shall be landscaped to comply with the landscape planting standards specified by Section 24.1-242 of the Zoning Ordinance. To ensure an attractive road frontage, the front landscape yards along Fort Eustis Boulevard (Route 105) shall be landscaped to achieve the Landscape Credit Unit (LCU) requirements for a 35-foot Greenbelt, as specified by Section 24.1-245, and the George Washington Memorial Highway (Route 17) frontage shall be required to achieve 50 LCU's per 100 feet of frontage. Side yard plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h) and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements.
9. Freestanding identification signage for the used car sales lot shall be limited to a single monument sign, pursuant to the requirements for Limited Business monument signs (40 square feet) in the Zoning Ordinance, Section 24.1-703. Fascia materials used on the sign shall match that of the proposed building façade. No signage shall be permitted on the canopy, pursuant to Section 24.1-475(d) of the Zoning Ordinance.
10. Freestanding and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting fixtures shall use full cut-off, shielded fixtures and shall be installed with flat lenses angled level to the ground. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.
